Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Sections 90.20 and 90.175 of the	)	**WT Docket No. 02-285**
Commission's Rules for Frequency Coordination	)	**RM-10077**
Of Public Safety Frequencies in the Private Land	)	
Mobile Radio Below-470 MHz Band	)	

Reply Comments of the Industrial Telecommunications Association, Inc.

The Industrial Telecommunications Association, Inc. (ITA) hereby respectfully submits its reply comments in response to the Commission's *Notice of Proposed Rulemaking* (NPRM) in the above-referenced matter.[1] The NPRM seeks comment on amendments to Section 90.20[2] and Section 90.175[3] of the Commission's rules to expand competitive frequency coordination services in the public safety pool below 470 MHz.[4] As discussed in more detail below, ITA urges the Commission to expand competitive frequency coordination services in all public safety (P/S) and industrial/business (I/B) radio pools to all FCC-certified P/S and I/B frequency coordinators.

I. Statement of Interest

ITA is a Commission-certified frequency advisory committee coordinating in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate

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1 *See* Amendment of Sections 90.20 and 90.175 of the Commission's Rules for Frequency Coordination of Public Safety Frequencies in the Private Land Mobile Radio Below-470 MHz Band, *Notice of Proposed Rulemaking,* WT Docket No. 02-285 (rel. Sept. 19, 2002) (NPRM).

2 47 C.F.R. § 90.20.

3 47 C.F.R. § 90.175.

4 NPRM at ¶ 1.

business and industrial/land transportation radio stations on frequency assignments allocated between 30-900 MHz.

ITA enjoys the support of a broad membership including more than 3,500 licensed two-way land mobile radio communications users, many of which are public safety pool eligibles; private mobile radio service (PMRS) oriented radio dealer organizations, virtually all of which supply local public safety entities with communications equipment tailored to their regions specific communication needs; and the following trade associations:

Alliance of Motion Picture and Television Producers
Aeronautical Radio, Inc.
Associated Builders & Contractors, Inc.
Florida Citrus Processors Association
Florida Fruit & Vegetable Association
National Mining Association
National Propane Gas Association
National Ready-Mixed Concrete Association
National Utility Contractors Association
New England Fuel Institute
United States Telephone Association

In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communication Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc.

II. Background

On February 21, 2001, the Association of Public-Safety Communications Officials-International, Inc. (APCO) filed a Petition for Rulemaking seeking to introduce competition in public safety frequency coordination services below 512 MHz.[5] The Commission now seeks

[5] *See* Association of Public-Safety Communications Officials-International, Inc., *Petition for Rulemaking*, RM-10077, filed on February 21, 2001 (Petition).

comments on APCO's Petition, while also inviting comments on other alternatives and proposals that could improve frequency coordination procedures in the P/S pool.[6]

III. Discussion

The record in this proceeding demonstrates that the public interest will be served if the Commission allows public safety and industrial business pools to be collectively and competitively coordinated by all industrial/business and public safety frequency coordinators.[7] As noted by Challenge Electronics, "by its very nature, additional competition in [the P/S] frequency pool will in the end provide better services, more alternatives based on availability of timely service, and a choice in coordination."[8] Private wireless licensees, public safety entities and the public at-large will all reap the benefits of permitting industrial/business and public safety coordinators to compete in both the industrial/business and the public safety pools.

A. ITA is representative of both the I/B and P/S community.

Throughout the years, ITA has had the opportunity to work with and for a variety of members and clients categorized as I/B and P/S eligibles through frequency coordination and system engineering services. APCO states that their broad representation of P/S licensees permits eligibility to coordinate all P/S services.[9] Likewise, ITA is broadly representative of P/S and I/B licensees. Since 1953, ITA has been preparing applications, providing system engineering services, performing license searches, and coordinating communication operations

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6 NPRM at ¶ 1, 29-30.

7 *See generally,* Comments of Alpha Wireless Communications; Anderson Radio, Inc.; Atlantic Communications; Atlantic Wireless Group; Cattron-Theimeg Inc.; Challenge Electronics, Inc.; Collins Communications; Haggerty Communications Group; Hi-Tech SMR Communications; McCall Communications; McIntosh Communications (McIntosh); Ossipee Mountain Electronics; Roe-Comm., Inc.; Special Systems Services; and TuWay Wireless.

8 *See* Comments of Challenge Electronics, Inc., p. 2.

9 *See* Comments of APCO (APCO) at p. 6.

for members and clients that include: law enforcement and firefighters in cities, towns, counties, and states; parks and school districts; and transportation authorities.

The communications systems used by the public safety and the industrial/business communities are comparable in some cases and exactly the same in others, with comparable protection requirements. APCO notes, exclusivity requirements are met by "public safety coordinators using engineering tools and agreed-to criteria to maintain geographic separation between co-channel and adjacent-channel public safety systems on channels below 470 MHz."[10] Many private wireless licensees use their communications operations for safety-of-life functions that must be free from interference to ensure that both employees and the general public are protected from harm.[11] For many of these entities, ITA has been coordinating trunked systems for exclusive use by using similar, if not the same engineering tools, to maintain geographic and spectral separation among users.

B. Information sharing will foster competitive coordination.

The Commission's ULS database, which is already being used by both P/S and I/B coordinators on a daily basis for the exchange of information, is an efficient, reliable method in which information and resources are shared. The Commission has recognized the usefulness of this database by stating, "ULS reduces the cost of preparing applications and increases the speed and efficiency of the licensing process. We therefore believe that ULS has made it easier for coordinators to communicate and share information."[12] Further development of the ULS database

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[10] *See* APCO at p. 9.

[11] Some of these licensees include: oil and pipeline companies, airlines, manufacturers, and crane operators, among others.

[12] *See* NPRM at ¶ 12.

seems to be the logical step to an even more accurate, economical, and efficient licensing management system, while facilitating competitive coordination in the P/S and I/B pools.

The current public safety coordination system seems a little out-dated. Many services today, including frequency coordination, are done through an electronic medium. ITA's NetLicense software is one example. ITA believes this benefit could also be realized by public safety applicants through expanded competition. The American Association of State Highway and Transportation Officials, International Association of Fire Chiefs, Inc., and International Municipal Signal Association (AASHTO, *et. al.*) states that "plans which may have been developed decades ago, reside only in the records, notes and institutional memories of the frequency coordinator."[13] Putting this type of information, as well as local, state, and regional public safety coordination plans into a database and/or another electronic form would be logical, practical and beneficial for all coordinators trying to access this information and in turn, improves efficiency for applicants seeking these services. The Forest Conservation Communications Association (FCCA) notes that ULS does not have "statewide license recognition, and does not contain repeater input frequencies and tone information."[14] This may be a good place to start expanding on ULS' capabilities. A new identifier, such as a new service code of FB9 on a license, could alert coordinators to statewide operations on a designated channel.

AASHTO, e*t.al.* and FCCA were unsupportive of APCO's proposal for competition among coordinators and believe the current system of monopoly coordination should be retained

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[13] *See* Comments of the American Association of State Highway and Transportation Officials, International Association of Fire Chiefs, Inc., and International Municipal Signal Association (AASHTO, *et. al.*) at p. 12.

[14] *See* FCCA at p. 2.

based on unique knowledge of the systems they coordinate.[15] The City of Tacoma counters, however, by pointing out that, "coordination is based on established engineering criteria, information sharing, computer modeling, experience and common sense of the local area and its effect on propagation. Not one coordinating agency has a monopoly on these principles."[16] Moreover, concerns from these entities would be moot after specific system information and detailed P/S coordination plans were made available to other coordinators through the ULS database.

AASHTO, *et.al.* go further, stating, "information will not readily be shared with others absent not only the reimbursement on the costs for compilation and distribution, but also compensation."[17] ITA believes this attitude, coupled with the current system of concurrence, fosters the potential for inefficient spectrum use by pool-specific coordinators. As APCO points out, "the retention of exclusive, discipline-specific, frequency coordination does create the potential for coordinators to give preference to applicants from their own public safety discipline."[18] An open, comprehensive database could be used as a deterrent from this practice; specifically to get much needed information and spectrum to potential applicants.

C. Many benefits would result from competitive frequency coordination.

The overwhelming majority of commenters stated their support of competitive frequency coordination, noting decreased cost and increased efficiency as the two major benefits resulting from competition.[19]

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15 *See generally,* Comments of FCCA and AASHTO, *et. al.*

16 *See* Comments of Patrick E. Butler, City of Tacoma, WA at p. 2.

17 *See* AASHTO, *et. al.* at p. 12.

18 *See* APCO at p. 12.

19 *See generally* Comments of APCO; Badgerland Communications; Bergen County, New Jersey (Bergen County); Buddy Jordan; California Public-Safety Radio Association; Collins Communications;

1. Previous bands open to competitive coordination are examples of how well competition works.

ITA believes many benefits could be realized if the Commission opens competition among all FCC-certified frequency coordinators in the P/S and I/B pools. The benefits of competition can easily be seen through past actions by the Commission.

Local Government Radio Services (LGRS) and other public safety services in the 700 and 800 MHz bands, all competitively coordinated, are examples of how this model of coordination competition works well in public safety pools.[20] In fact, the Commission notes that it has not "received any information that public safety communications have been adversely affected as a result of competitive coordination."[21] Sergeant Stanley A. Sines of the Metropolitan Police Department in Washington, D.C., states, "this [competitive frequency coordination] has not, from my perspective as an APCO Local Advisor and a public safety communications professional, caused irreparable harm to the users of those bands [700 MHz and 800 MHz]."[22]

County of Orange, California (Orange County); Indiana State Police; MacIntosh; Metropolitan Police Department Washington, DC (Washington, D.C. Police); NPSPAC Region 24, State of Missouri; PCIA; Police Department, Village of Fox Point; State of California (California); State of Delaware, Department of Technology and Information (Delaware); State of Wisconsin, Department of Transportation (Wisconsin); Statewide Wireless Network, NY State Office for Technology; Suffolk County of New York Police Department; Tacoma; and Viking Communications.

[20] *See* Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services, *Second Report and Order*, PR Docket No. 92-235 (rel. Mar. 12, 1997). *See also,* Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements for Priority Access Service, *First Report and Order and Third Notice of Proposed Rulemaking*, WT Docket No. 96-86 (1998). *See also*, International Association of Fire Chiefs, Inc., and International Municipal Signal Association Informal Request for Certification as a Frequency Coordinator for PLMR 800 MHz and 900 MHz Public Safety Frequencies; and American Association of State Highway and Transportation Officials, Informal Request for Certification as a Frequency Coordinator for PLMR 800 MHz Public Safety Frequencies, *Order* (rel. July 25, 2001).

[21] *See* NPRM ¶ 10.

[22] *See* Washington, D.C. Police at p. 2.

Sergeant Sines further states, "competitive coordination will provide faster service, reduced costs, and more choices and a single point of contact for licensees."[23]

The benefits of competitive coordination can also be seen in the after affects of the consolidation of the Private Land Mobile Services (PMRS). I/B applicants have choices when deciding who performs their coordination work and results have been positive. MacIntosh states, "I would like to point out…the great success there has been in allowing multiple coordinators to coordinate within [the Industrial/Business Pool], improved customer service is readily noticeable."[24] Cattron-Theimeg notes, "we have seen how competition among frequency coordinators has worked in the past with the private land mobile services. The process has become more efficient through easier processes, such as online licensing, and the time it takes for my applications to be completed is much quicker."[25] Atlantic Communications notes the benefits they have experienced as a result of competition in the PMRS, "the quality of work has increased and the costs have decreased. Additionally, the process is now much more efficient."[26]

2. Increased reliability and accuracy would result from competitive coordination.

The introduction of competition to any type of market should inherently bring about more reliable and accurate service. If coordinators are required to compete for business, they forfeit the ability to depend on the automatic influx of business, regardless of the quality of work being performed. The introduction of competition, and requirement to share information with other coordinators, necessitates the need for engineers and coordinators to produce reliable and accurate information for other coordinators to use. This will also give peace of mind to

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23 *See* Washington, D.C. Police at p. 3.
24 *See* MacIntosh at p.1.
25 *See* Cattron-Theimeg Inc. at p. 1.

consumers that their applications are being processed with the most reliable information. Reliability and accuracy are intrinsically woven into the economic model of competition.

3. Competitive coordination will result in reduced costs for consumers.

The reduction in costs would manifest in two ways. Overall costs associated with the coordination of licenses and processing of applications would be driven down due to market forces alone. As noted by the State of California in reference to competition, "each of the four certified frequency coordinators…submitted bids that significantly under-cut…published rates when competitive bidding has been utilized."[27] It further notes, "all public safety agencies should be able to avail themselves of competitive bidding."[28] In the current system, however, coordinators have a monopoly on their respective discipline-specific pool, requiring applicants to pay whatever is charged.

Costs could also be further reduced if the Commission no longer required concurrence from pool-specific coordinators. AASHTO, *et. al.* state, "the opportunity for some cost savings to the user community arises in inter-service sharing…the APCO proposal would eliminate the need to seek inter-service sharing, and consequently, the imposition of the second charge."[29] Although AASHTO, *et.al.* do not believe those savings are worthwhile, government agencies and public safety organizations constrained by the limited availability of tax dollars may disagree. To the public safety agencies supplying services and the taxpaying public, any savings is a significant benefit. APCO states, "over 25% of applications submitted to APCO require at

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[26] *See* Atlantic Communications at p. 1.
[27] *See* California at p. 3.
[28] *See* California at p. 3.
[29] *See* AASHTO, *et. al.* at p. 11.

least one concurrence from another coordinator."[30] The elimination of the out-dated concurrence system could result in tax dollars being available for other projects. The decrease in costs may also result in greater spectral efficiency. As Wisconsin notes, "sharing frequencies between coordinators is fairly common, however, the existing concurrence process tends to hinder the sharing of frequencies due to the increased cost to coordinate frequencies that require approval from multiple coordinators."[31]

4. Increased efficiency will result from competitive coordination.

ITA believes that an expanded pool of coordinators, who acquire the ability to coordinate any P/S and I/B channels without concurrence, will result in greater efficiency of services. Bergen County states, "introducing competitive elements will enhance access to information, the system's technical capability, and expedite service while allowing the myriad practices and procedures of discrete public safety plans and systems to be respected."[32] MacIntosh notes, "coordinators are required to compete for customer business via new and more efficient ways of submitting coordination requests as well as making the coordination process more economical for the end user."[33]

It has become apparent over the last year how important it is for both public and private entities to be able to communicate in concert with one another. Permitting applicants to choose any coordinator for both I/B and P/S channels could advance these operations through enhanced speed-of-service. Delaware states, "unified systems are not only desirable, but necessary given the current responsibilities placed upon local governments regarding protection of the

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30 *See* APCO at p. 5-6.
31 *See* Wisconsin at p. 2.
32 *See* Bergen County at p. 3.
33 *See* MacIntosh at p. 1.

public…cooperation in all matters of public safety communications cuts across…various areas of responsibility."[34]

5. Competitive coordination will result in innovation.

As noted above, in an environment of competition the ability to stay ahead of competitors requires reliable, accurate, and efficient services, all at an affordable price. These competitive demands force coordinators to find innovative methods of providing the best possible customer service for their potential clients. As noted by MacIntosh, ITA has "streamlined the process of filing 601 forms. Reduced the costs of submitting licensing. And improved customer service for this process. This process is driven by its need to be competitive."[35] Additionally, ITA provides engineering services and interference mediation, along with coordination and licensing preparation for its clients. Recently, a customer service department was also created to serve the immediate needs of our members and clients. In short the competitive system has forced organizations to find innovative new ways to provide service and the customer ultimately benefits in numerous ways.

IV. Conclusion

The public interest would best be served if coordination of P/S and I/B channels were open to all FCC-certified, Part 90 frequency coordinators. Competitive coordination has worked in the past and can work in the future. With a system in place for coordinators to share and access information, such as ULS, ITA believes competition would be highly beneficial for frequency coordinators, PMRS applicants and the Commission.

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[34] *See* Delaware at p 2.

[35] *See* MacIntosh at p. 1.

As Delaware simply states, "I would argue that since the existing sharing arrangement works, lets streamline it and make it more equitable, more available and more cost effective than it is now. Opening up coordination below 470 MHz to all coordinators can accomplish this."[36] The cost of coordination will decline while the reliability, accuracy, and efficiency of coordination services should increase from organizations seeking to find more innovative ways to serve their customers.

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[36] *See* Delaware at p. 2.

CERTIFICATE OF SERVICE

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